S.B.Civil Misc. Third Application No.26/2007

LRs. of Hari Ram.
vs.
Ashok Kumar.

Date : 5.4.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.D Mulchandani, for the applicants.
Mr.RK Thanvi a/w Mr.N Thanvi, for the non-applicant.

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Heard.

While dismissing the second appeal, this Court vide judgment dated 18.11.2005 granted time to the applicants to vacate the suit premises by 31.12.2006 i.e. time for more than one year was granted but the applicants did not vacate the suit premises and sought extension of time by moving SB Civil Misc. Application No.1/2007. That application was allowed taking a lenient view despite serious objection of decree holder and time was extended upto 31.1.2007 i.e. a further one month's time was granted. Thereafter, again the applicants submitted second application being SB Civil Misc. Application No.19/2007 for extension of time on the ground of sickness of applicant no.1. That

application was seriously opposed by the respondent, still taking a lenient view, further time was granted to vacate the suit premises i.e. upto 31.3.2007.

Now this third application has been filed for extension of time on the ground that the applicants' uncle had died on 7.3.2007 and, therefore, three months' time may be granted. The applicants are eight male members and one lady.

Learned counsel for the decree holder/non-applicant submitted a reply to the application and stated that in fact, this is a pretext only because of the reason that the applicants had no good relations with their uncle and otherwise also, he is not family member of the applicant.

It appears that the second appeal was dismissed by this Court on 18.11.2005 and a year's time was not found sufficient by the applicants for getting the alternate accommodation. This itself could have been a sufficient ground for not granting further time but taking a lenient view, further time was granted. This Court granted only one month's time and that should have been sufficient for the applicants to think over again in this matter but they did not take any steps. They projected sickness of one of the applicants and successfully got the sympathy of the Court and further

got time upto 31.3.2007. Thereafter, the applicants' uncle died on 7.3.2007 and now one month's time had passed, therefore, there is no reason to grant any further time to the applicants.

In view of the above, the present third application is dismissed and the decree under challenge can be executed forthwith.

(PRAKASH TATIA), J.

S.Phophaliya